

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40246
Summary Calendar

ISRUEL McBRIDE, JR.,

Plaintiff-Appellant,

versus

B. FAULK, Correctional Officer III, Coffield Unit; M. ARNOLD,
Captain, Coffield Unit; J. SMELLEY, Sergeant, Coffield Unit,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:00-CV-119

November 7, 2001

Before JOLLY, HIGGINBOTHAM and PARKER, Circuit Judges.

PER CURIAM:*

Isriel McBride, Jr., Texas prisoner # 810817, appeals the magistrate judge's judgment dismissing McBride's 42 U.S.C. § 1983 excessive-force action following a bench trial. McBride argues that the magistrate judge abused his discretion by not allowing McBride to call two witnesses, that the magistrate judge's findings that there was no excessive force and that McBride suffered no significant injuries were not supported by the evidence, that the magistrate judge should have appointed McBride

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

an attorney, and that certain photographs and a video tape should have been introduced at trial.

McBride has not shown that the magistrate judge abused his discretion by not allowing two witnesses to testify at trial. See Gibbs v. King, 779 F.2d 1040, 1047 (5th Cir. 1986); Harvey v. Andrist, 754 F.2d 569, 572 (5th Cir. 1985). With respect to McBride's contentions that the evidence did not support the magistrate judge's judgment, we decline to reweigh the evidence and credibility determinations of the magistrate judge, which we refrain from doing on appeal. See Martin v. Thomas, 973 F.2d 449, 453 n.3 (5th Cir. 1992). The magistrate judge's decision not to appoint an attorney for McBride was not an abuse of discretion. See Cupit v. Jones, 835 F.2d 82, 86 (5th Cir. 1987). McBride has not shown any error with respect to photographs and video tape not introduced into evidence at trial, which McBride has not been submitted to this court with his appeal. See United States v. Bollman, 141 F.3d 184, 187 (5th Cir. 1998).

AFFIRMED.